

be used for identification, especially to increase the number of possible license combinations where numbers and letters alone combinations are running low. The DMV reference does not indicate otherwise, and as such, does not anticipate the invention or its specific purpose as clearly stated in the disclosure. The purpose is identification and not mere decoration. Therefore, Applicant respectfully requests that the Examiner withdraw the final rejection and allow Applicant to respond to a second office action without the onus of a final rejection upon him.

2. Applicant admits that the DMV reference discloses the dollar sign and the question mark as possible indicia, but not as indicia to be used for the purpose of identification. All of the above arguments apply to this rejection, including the timing and dates of the reference publication (all after more than one year from filing) and the purpose of the indicia as disclosed.

3. Applicant regrets that claim 12 was filed as it was, indicating that the license plates are metallic or non-metallic. Applicant agrees with the Examiner on this point. Applicant's goal in stating claim 12 was to point out that many agencies are going to non-metallic plates for temporary and permanent vehicle license plates. Applicant did explain this in the specification and filed claim 12 to cover those alternative materials disclosed therein. It was poor choice of words and a very poorly written claim. In response, Applicant hereby amends claim 12 and adds related new claim 20 (see above).

Conclusion

REQUEST TO WITHDRAW PREMATURE FINAL REJECTION

Applicant hereby requests that this Final Rejection, which is in Applicants opinion premature on the merits of this case, be withdrawn pursuant to MPEP Sections 706.07(c), 706.07(d) and 706.07(e).

NO PERSONAL INTERVIEW GRANTED

Applicant would like to point out that no personal interview was granted in this case, within the time from mailing of the Final Rejection and transmission of this reply. As it turns out, this was because of availability problems (family emergency) with the Patent Attorney of Record, and not with the named primary examiner. Applicant believes strongly, that these

<05-GAL/101/AmendResp/B>

Serial No. 10/829,643

Page 8 of 9

circumstances rise to the level of a good showing why the former examiner's final rejection should be withdrawn. Applicant respectfully requests such action now on this case.

REQUEST THAT THIS AMENDMENT BE ENTERED

The claims presently on file in the above-identified application, as amended herein, are now believed to be written in full, clear, concise and exact terms as to be enabling to one skilled in the art, and therefore allowance of these claims is earnestly solicited. In amending these claims, no new matter has been added. Applicant hereby respectfully requests, pursuant to 37 CFR 1.116 and MPEP Section 714.12, that this amendment be entered. This amendment places the application either in condition for allowance or in better form for appeal, and therefore it may be entered.

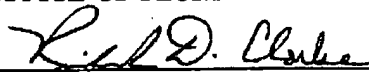
In summary, for all of the foregoing reasons, Applicant feels that this final rejection of all claims does not represent fair due process, and, as a result requests that this premature Final Rejection be withdrawn. Moreover, Applicant requests that the examiner, Mr. Hoge, entertain a personal interview. Finally, Applicant respectfully requests that the Examiner approve and enter this amendment to the claims.

If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this application to allowance, the Primary Examiner is invited to call, fax or e-mail the undersigned, attorney of record in this case, Richard D. Clarke, Esq., at one of the below-listed numbers or his below-listed e-mail address.

Dated: October 27, 2005

Respectfully submitted,
LAW OFFICE OF RICHARD D. CLARKE

By



Richard D. Clarke
Patent Attorney for Applicant
USPTO Registration No. 38,846

Customer No. 22890
Richard D. Clarke, Esq.
LAW OFFICE OF RICHARD D. CLARKE
3755 Avocado Blvd., #1000
La Mesa, CA 91941-7301
Telephone: 619-670-1702
Facsimile: 619-670-7585
E-mail: rclarkeesq@sbcglobal.net

FROM : VIFLX

09/22/2005

01:43

FAX NO. : 3038407684

NC DMV SPECIAL LICENSE - 913038407684

Sep. 22 2005 04:59PM P3

NO. 693 0002

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATIONMICHAEL F. BASLEY
GOVERNOR

DIVISION OF MOTOR VEHICLES

LYNDO TIPPETT
SECRETARY

September 22, 2005

MEMORANDUM

TO: BOB GALL

FROM: KAY HATCHER, SUPERVISOR
SPECIAL LICENSE UNIT*Kay Hatcher*

SUBJECT: PERSONALIZED LICENSE PLATES

North Carolina Division of Motor Vehicles rulings allow keyboard punctuation characters to be displayed on personalized license plates for decorative purposes only and not for identification.

Attached please find a personalized license plate application. The punctuation characters that are allowed are listed on the application.

If I can assist you further, please contact me at 919-861-3575.

KH:lr

*10/22/05, 643**Attachment 1.*MAILING ADDRESS:NC DIVISION OF MOTOR VEHICLES
VEHICLE REGISTRATION SECTION
SPECIAL LICENSE UNIT
3100 MAIL SERVICE CENTER
RALEIGH NC 27609-3103TELEPHONE: 919-861-3575
FAX: 919-715-8106WEBSITE: www.dmv-dot.state.nc.usLOCATION:DMV HEADQUARTERS BUILDING
1100 NEW BERN AVENUE
RALEIGH NC

----- Forwarded Message: -----

From: "Richards, David" <david.richards@ncshp.org>
To: <akbg@att.net>
Cc: "Goering, Norman" <norman.goering@ncshp.org>
Subject: License plate symbols
Date: Fri, 23 Sep 2005 13:59:52 +0000

Bob,

I enjoyed speaking with you yesterday. In regard to your question of how symbols are handled by NC State Highway Patrol personnel, the practice is to utilize ONLY Alpha/Numeric text for identification purposes. Symbols that include, but are not limited to, " !@#\$\$%^&*()" are only used for "decorative" purposes and are not included for identification purposes. I discussed this issue with two (2) telecommunicators within the SHP and they advised that even if a Trooper were to include the sign "verbally" through a radio transmission, it would be ignored for inquiry purposes. The State of North Carolina registration database does not recognize these symbols. The telecommunicators have also stated that due to the use of Mobile Data Terminals in the patrol vehicles, the officer's knowledge about what is acceptable computer text has increased dramatically.

In summation, Alpha/numeric text is the only identification used for license plate inquiries. Symbols are only for decoration purposes as a part of the personalized plate process.

I hope this helps your inquiry.

Specialist David C. Richards
North Carolina State Highway Patrol
Office of Professional Standards
Research and Planning Section

4702 Mail Service Center
Raleigh, North Carolina 27699-4702
Telephone: (919) 733-5282
FAX: (919) 733-4018
Email: david.richards@ncshp.org

10/829,643

Attachment 2.